

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ARTHUR HOUSTON,)
)
Plaintiff,)
)
-vs-) Case No. CIV-12-474-D
)
INDEPENDENT SCHOOL DISTRICT)
NO. 89 OKLAHOMA COUNTY,)
OKLAHOMA a/k/a OKLAHOMA CITY)
PUBLIC SCHOOLS, and)
DEANN DAVIS, in her individual capacity)
as Executive Director of Elementary)
Schools for the Oklahoma City Public)
Schools,)
)
Defendants.)

ORDER

Upon consideration of Defendants' Application to Seal Dispositive Motions, Briefs, and Exhibits [Doc. No. 44], the Court finds the Application provides insufficient information to permit a determination that the requested relief is necessary to protect confidential personnel information of nonparties. The Application states only that "Defendants are preparing to file dispositive motions which would include documents and testimony regarding the confidential personnel information produced in discovery." Motion, ¶ 5. If Defendants wish to utilize confidential documents as exhibits to their dispositive motions, the Court would permit the filing of sealed exhibits. But the Court does not routinely authorize sealed filings of entire motions and briefs containing legal arguments and nonconfidential information regarding the merits of a case.

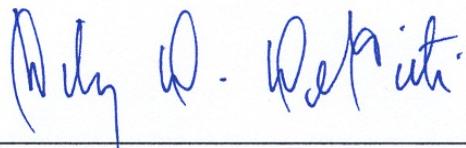
The court of appeals has explained its position concerning the sealing of court records as follows:

“Courts have long recognized a common-law right of access to judicial records,” but this right “is not absolute.” Thus, the presumption of access to judicial records may be overcome where “countervailing interests heavily outweigh the public interests in access.” The burden is on the party seeking to restrict access to show “some significant interest that outweighs the presumption.”

Colony Ins. Co. v. Burke, 698 F.3d 1222, 1241 (10th Cir. 2012) (quoting *Mann v. Boatwright*, 477 F.3d 1140, 1149 (10th Cir. 2007)) (footnote and citations omitted); *see Helm v. Kansas*, 656 F.3d 1277, 1292 (10th Cir. 2011) (court “may seal documents if the public’s right of access is outweighed by competing interests”). Here, the Court finds Defendants have provided an insufficient basis for their request to seal the entire summary judgment record.

IT IS THEREFORE ORDERED that Defendants’ Application to Seal Dispositive Motions, Briefs, and Exhibits [Doc. No. 44] is DENIED without prejudice to resubmission of a more specific request.

IT IS SO ORDERED this 30th day of April, 2014.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE